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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding	A-6284	4646
5642 7590 07/07/2008 SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044				
			EXAMINER VAN HANDEL, MICHAEL P	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 07/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

09/518,041

Applicant(s)

JERDING ET AL.

Examiner

MICHAEL VAN HANDEL

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 121-144 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 121-144 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 4/09/2008. Claims **121-144** are pending. Claims **1-120** are canceled. Claims **121, 129** are amended. Claims **137-144** are new.

Response to Arguments

1. Applicant's arguments regarding claims **121, 129, and 137**, filed 4/09/2008, have been fully considered, but they are not persuasive.

Regarding claims **121, 129, and 137**, the applicant argues that the combination of LaJoie et al. and Rowe et al. fails to teach or suggest a set-top terminal, wherein the processor is configured to, responsive to receiving a focus instruction subsequent to the activation instruction, center the sequential channels on the channel corresponding to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program. The examiner respectfully disagrees. LaJoie et al. discloses an interactive program guide (IPG) with time, theme, and title modes (Fig. 16). From any television display 396, pressing guide key 398 causes set-top terminal 6 to enter the time mode of interactive program guide 400 (col. 25, l. 61-66 & Fig. 18). As such, the examiner interprets pressing guide key 398 to be an "activation instruction," as currently claimed. From within the IPG, the user can switch between different modes. From a time mode display 414 of the guide, pressing "B" application definable key 252 causes a theme mode display 416 of the guide to be presented. Pressing "C" application definable key 252 from time mode display 414 causes title mode

display 418 of the guide to be displayed. From either the theme mode or title mode, pressing “A” application definable key 252 causes the display to switch to time mode display 414 (col. 26, l. 27-47 & Fig. 19). Within the guide, the user navigates the program listings of grid 366 to highlight the desired program cell 396 with cursor 394 by pressing up, down, left, and right arrow keys. Cursor 394 is always shadowed in channel list 350 by channel shadow 392 and in date and time bar 348 by time shadow 393. Channel shadow always remains vertically aligned with cursor 394 to indicate the channel on which the program highlighted by cursor 394 can be found. Time shadow 393 always remains horizontally aligned with cursor 394 to show the beginning of the time frame highlighted by cursor 394. For example, as shown “KCBS 2” in channel list 350 and “4:00 pm” in date and time bar 348 are shadowed by channel shadow 392 and time shadow 393, respectively, to indicate that “CBS Sports...” is on channel “KCBS 2” at “4:00 pm.” Cursor 394 does not move within grid 366 of the IPG. Program cells 396 of grid 366, call signs 388 and channel numbers 390 of channel list 350, and times 386 of date and time bar 348 scroll instead (col. 24, l. 34-56). Since the cursor does not move, the examiner notes that the cursor and channel shadow remain centered. LaJoie et al. further discloses that, when the user switches modes in the IPG, the default program highlighted and centered upon entering the new mode corresponds to the program being viewed in program viewing window 340 (col. 26, l. 64-67; col. 27, l. 1-7; col. 28, l. 5-15; & Figs. 16, 19, 20, 22). As such, the examiner interprets the switching of modes to be “a focus instruction, subsequent to the activation instruction, to center the sequential channels to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program,” as currently claimed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **121-144** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. in view of Rowe et al.

Referring to claims **121**, **129**, and **137**, LaJoie et al. discloses a set-top terminal (STT)/method/computer-readable medium comprising:

- memory configured to store an interactive program guide (IPG)(col. 13, l. 39-56), the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed (col. 23, l. 44-67; col. 24, l. 1-51 & Fig. 16); and
- a processor in communication with the memory, the processor configured to control the IPG to display the program information (col. 13, l. 22-35);
- wherein the processor is further configured to receive an arrangement instruction from a viewer to display the program information in one of at least two views including at least a first view and a second view (Time, Theme, and Title of the Browse by menu)(col. 26, l. 27-47 & Figs. 16, 19),

- wherein the first view (Time mode) includes television program titles arranged in columns corresponding to sequential broadcast times and in rows corresponding to sequential channels (col. 23, l. 44-67; col. 24, l. 1-51; & Fig. 16), and
 - wherein the second view (Theme or Title modes) includes television program titles arranged in rows corresponding to sequential broadcast times (col. 26, l. 48-67; col. 27, l. 67; col. 28, l. 40; & Figs. 20, 22); and
- wherein the processor is further configured to, responsive to receiving an activation instruction from a viewer, change the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information (col. 25, l. 61-67 & Figs. 16, 18); and
- wherein the processor is further configured, responsive to receiving a focus instruction subsequent to the activation instruction, to center the sequential channels on the channel corresponding to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program (the examiner notes that, in selecting to switch between Time, Theme, and Title modes, the channel, program, theme, title, and time that is highlighted as default corresponds to the program being viewed in the program viewing window)(col. 23, l. 44-61; col. 24, l. 52-67; col. 25, l. 1-14; col. 26, l. 27-67; col. 27, l. 1-7, 64-67; col. 28, l. 1-15; & Figs. 16, 19, 20, 22).

LaJoie et al. does not disclose, in response to an activation instruction from the viewer, changing the display screen from a program view predominantly showing a television program to an IPG

view predominantly showing program information in a view corresponding to the received arrangement instruction. Rowe et al. discloses allowing a user to browse through programming information using browsing category and subcategory tiles (col. 9, l. 45-65). Rowe et al. further discloses saving the settings for the category and subcategory displays, such that the viewing session arrangement is saved for use the next time the user activates the program schedule system (col. 17, l. 60-67; col. 18, l. 13; & Fig. 10). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the mode settings of LaJoie et al., such that they are saved when the user exists the program guide session, such as that taught by Rowe et al. in order to provide a highly intuitive user interface for a programming guide system to support a simple and convenient selection of desired programming information (Rowe et al. col. 4, l. 48-51).

Referring to claims **122**, **130**, and **138**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 121, 129, and 137, respectively, wherein the memory receives the program information from a server (LaJoie et al. col. 14, l. 13-18; col. 16, l. 10-67; & col. 17, l. 1-15).

Referring to claims **123**, **131**, and **139**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 121, 129, and 137, respectively, wherein the first view further includes a column of channel names and channel numbers (LaJoie et al. col. 24, l. 9-13 & Fig. 16).

Referring to claims **124**, **132**, and **140**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 121, 129, and 137, respectively,

wherein the processor is further configured to provide an option to a viewer on the IPG view to provide the arrangement instruction (LaJoie et al. col. 26, l. 27-47 & Figs. 16, 17, 19-23).

Referring to claims **125**, **133**, and **141**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 121, 129, and 137, respectively, wherein the processor is further configured to enable the viewer to select an option to display the last IPG view that was in effect at the time of exit from an IPG view when the display screen has been changed from the IPG view back to the program view predominantly showing a television program (the examiner notes that the combination of LaJoie et al. and Rowe et al. teaches saving the mode of the last program guide session. By re-activating the guide, the previously settings will be restored)(LaJoie et al. col. 25, l. 61-66 & Fig. 18).

Referring to claims **126**, **134**, and **142**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 121, 129, and 137, respectively, wherein, in response to receiving the arrangement instruction, the processor is further configured to display the program information in one of at least three views including at least a time view, a theme view, and a title view (LaJoie et al. col. 26, l. 27-47 & Figs. 16, 19, 20, 22).

Referring to claims **127**, **135**, and **143**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 126, 134, and 142, respectively, wherein the processor is further configured to enable the viewer to select an option to initially display a menu within the at least three views, the menu enabling the user to select the time view, theme view, or title view (LaJoie et al. col. 26, l. 27-47 & Figs. 16, 29, 20, 22).

Referring to claims **128**, **136**, and **144**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method/computer-readable medium of claims 127, 135, and 143, respectively,

wherein the processor is further configured to enable the viewer to select an option to disable the display of the menu (LaJoie et al. col. 26, l. 23-26).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2623

MVH